



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,416	11/26/2003	Amit Bagga	503048-A-01-US (Bagga)	2635
47702 7590 11/28/2008 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824			EXAMINER PATEL, NIRAV B	
			ART UNIT 2435	PAPER NUMBER
			MAIL DATE 11/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,416	<b>Applicant(s)</b> BAGGA ET AL.	
	<b>Examiner</b> NIRAV PATEL	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2008 (RCE).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 16-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's submission for RCE filed on Oct. 22, 2008 has been entered. Claims 1, 2, 4-14, 16-25 are pending. Claims 1, 13 and 25 are amended by the applicant.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, 13, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) and in view of Eitel (US Patent No. 7,043,521).

As per claim 1, Nelson teaches:

receiving an input from a user as a proposed password; performing an Internet/database search using keywords derived from proposed password (entered by the user); evaluating results of said search; rejecting said proposed password if the verification fails; recording said proposed password as a new password if said proposed password is not rejected [Fig. 3, col. 4 lines 53-61, col. 6 lines 16-20, Fig. 1].

Art Unit: 2435

Nelson teaches the proposed password verification mechanism as shown in Fig. 1. Nelson doesn't expressively mention selection of at least one topic as an input from user.

Ogura teaches:

presenting said user with a plurality of topics; receiving a user selection of at least one topic [Fig. 5, step 520-525]; receiving one or more personal details from said user associated with said at least one selected topic, as a proposed password (input from user) [Fig. 5, steps 550-555, Fig. 9 step 930].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ogura with Nelson to present various topics and receiving an input from the user based on selection of the topics, since one would have been motivated to allow the authentication of the identity of the user through the use of a primary and/or secondary authentication system [Ogura, paragraph 0006].

Further, Nelson teaches searching database using keywords based on the proposed password and verifying the proposed password as shown in Fig. 3. Ogura teaches calculating the score/rate and comparing the score/rate with the threshold [Fig. 9].

Fallman teaches: performing an Internet search using a query containing one or more keyword derived from the input entered by the user (said details of said proposed password as disclosed by Ogura and Nelson), wherein said Internet search searches contents of the Internet across a plurality of web sites using a search engine tool [Fig. 1, paragraph 0073, 0074, well-known search engine/technique, please refer US

Art Unit: 2435

2002/0055919 – Google, Alta-Vista - Fig. 1, US 2004/0044657 – Yahoo – paragraph 0007].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fallman with Nelson and Ogura to utilize an Internet search for the keywords entered by the user, since one would have been motivated to check the string/keyword against the Internet database to cover all occurring words that allow evaluation of the keyword/string [Fallman, paragraph 0007-0015].

Fallman teaches performing the Internet search for the keywords entered by the user and evaluating the result of the search [paragraph 0014, 0015]. Fallman doesn't expressively mention based on the predefined threshold.

Eitel teaches: evaluating results of said search relative to one or more predefined thresholds applicable to said at least one selected topic (input); rejecting said result if one or more said predefined thresholds are exceeded by said results [Fig. 3, col. 6 lines 46-60].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Eitel with Nelson, Ogura and Fallman to evaluate the search result based on the threshold, since one would have been motivated to elicit better/closer result from evaluation [Eitel, col. 5 lines 60-67].

As per claim 8, the rejection of claim 1 is incorporated and Ogura teaches said one or more personal details are related to a personal fact from a past of said user [Fig. 5, 9].

Art Unit: 2435

As per claims 13 and 25, they encompass limitations that are similar to limitations of claim 1. Thus, they are rejected with the same rationale applied against claim 1 above.

As per claim 20, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 8. Thus, it is rejected with the same rationale applied against claim 8 above.

3. Claims 2, 7, 11, 14, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) in view of Eitel (US Patent No. 7,043,521) and in view of Honarvar et al (US Patent No. 7,231,657).

As per claim 2, the rejection of claim 1 is incorporated and Ogura teaches presenting said user with a plurality of topics; receiving a user selection of at least one topic [Fig. 5, step 520-525]; receiving one or more personal details from said user associated with said at least one selected topic, as a proposed password [Fig. 5, steps 550-555, Fig. 9 step 930].

Honarvar teaches receiving a reminder associated with each of said one or more personal details [Fig. 25].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honarvar with Nelson, Ogura and Beeferman and

Art Unit: 2435

Eitel, since one would have been motivated to provide access and service to user by detecting fraud and verifying the identity using dynamically customizable system [Honarvar, col. 1 lines 21-27].

As per claim 7, the rejection of claim 1 is incorporated and Honarvar teaches:

sending said one or more personal details to said user [Fig. 25, 30].

P-Synch teaches one or more personal details to said user as reinforcement of said password [page 1, page 126].

As per claim 11, the rejection of claim 1 is incorporated and Honarvar teaches:

said one or more personal details can be tested during a verification phase using one or more of Boolean, multiple choice, numeric or textual queries [Fig. 26, 30, 31].

As per claim 14, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

As per claim 19, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

Art Unit: 2435

As per claim 23, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 11. Thus, it is rejected with the same rationale applied against claim 11 above.

4. Claims 4-6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) in view of Eitel (US Patent No. 7,043,521) and in view P-Synch Installation and Configuration Guide (May 2002).

As per claim 4, the rejection of claim 1 is incorporated and P-Synch teaches:

correlation rules are based on said at least one topic [page 124-126].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine P-Synch with Nelson, Ogura and Beeferman and Eitel, since one would have been motivated to generate strong password [P-Synch, page 2 lines 17-21].

As per claim 5, the rejection of claim 1 is incorporated and P-Synch teaches:

one or more predefined correlation rules ensure that answers to user selected questions cannot be qualitatively correlated with said user [page 124 line 1, page 126].



Art Unit: 2435

As per claim 6, the rejection of claim 1 is incorporated and P-Synch teaches:

one or more predefined correlation rules ensure that answers to user selected questions cannot be quantitatively correlated with said user [page 124 line 1, page 126].

As per claim 16, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 17, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 18, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

5. Claims 9, 10, 12, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) and in view of Eitel (US Patent No. 7,043,521) and in view Kanevsky et al (US Patent No. 5,774,525).

Art Unit: 2435

As per claim 9, the rejection of claim 1 is incorporated and Ogura teaches receiving the personal detail from the user [Fig. 9].

Kanevsky teaches said one or more personal details are related to an experience of said user in connection with a public event [col. 3 lines 31-45].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kanevsky with Nelson, Ogura and Beeferman and Eitel, since one would have been motivated to provide dynamic questioning to provide secure access control [Kanevsky, col. 2 lines 7-8].

As per claim 10, the rejection of claim 1 is incorporated and Kanevsky teaches said one or more personal details are related to an experience of said user in connection with a private event [col. 3 lines 31-45].

As per claim 12, the rejection of claim 1 is incorporated and Kanevsky teaches said at least one topic is selected based on psychological insights [col. 5 lines 60-65].

As per claim 21, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 9. Thus, it is rejected with the same rationale applied against claim 9 above.

Art Unit: 2435

As per claim 22, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 10. Thus, it is rejected with the same rationale applied against claim 10 above.

As per claim 24, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 12. Thus, it is rejected with the same rationale applied against claim 12 above.

### **Double Patenting**

The **nonstatutory double** patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b). [FP 8-33]

6. Claims 1, 2, 4-14, 16-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 10/815191 in view of copending Application No. 10/674288.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application is obvious in view of the copending application ('191). The copending application ('191) discloses a method/an apparatus/an article of manufacture for evaluating a password proposed by a user during an enrollment process, comprising: receiving said proposed password from said user; performing an Internet search using a query containing one or more keywords derived from said proposed password, wherein said Internet search searches contents of the Internet across a plurality of web sites using a search engine tool; evaluating results of said search relative to one or more predefined threshold; and rejecting said proposed password when said user is correlated with proposed password if one or more of said predefined threshold are exceeded by said results. Further, the copending application ('288) discloses a method/an apparatus for generating a password for a user, comprising: presenting said user with a plurality of hints; receiving a user selection of one of said hints. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize password generation mechanism as taught by copending application ('288), so as to generate password that are easy for the user to remember, yet not easily guessed by an attacker [copending application ('288) page 2 lines 1-3].

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Monteverde (US 2003/0088554) – Method for providing relevant search result based on an initial online search query

Mikheev (US 2002/0055919) – Method and system for gathering, organizing, and displaying information from data searches

Lee (US 2004/0044657) – Internet searching system to be easy by user and method thereof

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIRAV PATEL whose telephone number is (571)272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2435

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/N. P./*

*Examiner, Art Unit 2435*

*/Kimyen Vu/*

*Supervisory Patent Examiner, Art Unit 2435*